

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

March 30, 2010

Charles R. Fulbruge III
Clerk

No. 09-40854

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

EFREN HERNANDEZ-ISIDRO,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:09-CR-510-1

Before KING, STEWART, and HAYNES, Circuit Judges.

PER CURIAM:*

Efren Hernandez-Isidro appeals his guilty plea conviction and sentence for being found in the United States unlawfully following deportation. He argues that the case should be remanded to the district court to conform the written judgment to the oral pronouncement of sentence by including the district court's recommendation that his sentence run concurrently with any pending state charges.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

After the parties' briefs were filed, the district court entered an amended judgment that includes the concurrent sentencing recommendation. Accordingly, we dismiss the appeal as moot. *See Spencer v. Kemna*, 523 U.S. 1, 7 (1998).

APPEAL DISMISSED.